IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH CENTRAL DIVISION

HARVEY PULLEY, an individual; DIXIE PULLEY, an individual; and HDP PROPERTIES, LLC, a Utah limited liability company, Plaintiffs, v. FIRST AMERICAN PROFESSIONAL REAL ESTATE SERVICES, INC., a California corporation; GREENFOLDERS, INC., a Utah corporation; MICHAEL S. KIRBY, an individual; TERRY E. FRANK; an individual; STEPHEN M. EHLERS, an individual; DANIEL C. IORG, an individual; TODD HOUGAARD, an individual; and DOES 1 through 10, Defendants.	**SCHEDULING ORDER AND ORDER VACATING HEARING** Case No. 2:12-cv-00172-TC District Judge Tena Campbell Magistrate Judge Evelyn J. Furse

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge[1] received the Attorneys' Planning Report filed by counsel (docket #33). The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for July 11, 2012, at 11:00 a.m. is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1.		**PRELIMINARY MATTERS**	**DATE**
		Nature of claims and any affirmative defenses:	
	a.	Was Rule 26(f)(1) Conference held?	05/09/12
	b.	Has Attorney Planning Meeting Form been submitted?	05/31/12
	c.	Was 26(a)(1) initial disclosure completed?	06/01/12
2.		**DISCOVERY LIMITATIONS**	**NUMBER**
	a.	Maximum Number of Depositions by Plaintiffs as a	70 hours

		group	
	b.	Maximum Number of Depositions by Defendants as a group	70 hours
	c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	7 hours
	d.	Maximum Interrogatories by plaintiffs as a group	30
	e.	Maximum Interrogatories by defendants as a group	30
	f.	Maximum requests for admissions by plaintiffs as a group	30
	g.	Maximum requests for admissions by defendants as a group	30
	h.	Requests for admission concerning the authenticity and admissibility of documents	No limitation
		Maximum requests for production by any Party to any Party	No limitation
3.		**AMENDMENT OF PLEADINGS/ADDING PARTIES**[2]	**DATE**
	a.	Last Day to File Motion to Amend Pleadings	09/15/12
	b.	Last Day to File Motion to Add Parties	09/15/12
4.		**RULE 26(a)(2) REPORTS FROM EXPERTS**[3]	**DATE**
	a.	Affirmative	01/29/13
	b.	Rebuttal	03/29/13
5.		**OTHER DEADLINES**	**DATE**
	a.	Discovery to be completed by:	
		Fact discovery	11/29/12
		Expert discovery	04/30/13
	c.	Deadline for filing dispositive or potentially dispositive motions	05/31/13
6.		**SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION**	**DATE**

a. Settlement probability:

The potential for settlement cannot be evaluated at this time.

			TIME	DATE
7.	**TRIAL AND PREPARATION FOR TRIAL**		**TIME**	**DATE**
a.	Rule 26(a)(3) Pretrial Disclosures[4]			
	Plaintiff			***08/30/13***
	Defendant			***09/13/13***
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)			***00/00/00***
c.	Special Attorney Conference[5] on or before			***09/27/13***
d.	Settlement Conference[6] on or before			***09/27/13***
e.	Final Pretrial Conference		3:00 p.m.	***10/14/13***
f.	Trial	Length		
	i. Jury Trial	*5 days*	8:30 a.m.	***11/04/13***

8. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Signed June 22, 2012.

BY THE COURT:

Evelyn J. Furse
U.S. Magistrate Judge

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[1] The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately assigned or referred to that Magistrate Judge.

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[2] Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

[3] A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.

[4] Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

[5] The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

[6] The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.